

Beth L. Kaufman  
SCHOEMAN UPDIKE & KAUFMAN LLP  
551 Fifth Avenue  
New York, New York 10176  
(212) 661-5030  
*Attorneys for Defendants New York City Transit Authority  
(s/h/a “MTA New York City Transit”),  
Donald Houston, Phakeshia Murphy, and  
Alfredo Caminero (s/h/a “Alfred Caminero”)*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
GENEVA AIKEN,

Plaintiff,

Case No.: 1:18-CV-11756-GBD-DF

-against-

MTA NEW YORK CITY TRANSIT, DONALD  
HOUSTON, *In His Individual and Official  
Capacities*, PHAKESHIA MURPHY, *In Her  
Individual and Official Capacities*, and  
ALFRED CAMINERO, *In His Individual and  
Official Capacities*,

**DEFENDANTS’ PROPOSED  
VOIR DIRE**

Defendants.

-----X

Defendants New York City Transit Authority (s/h/a “MTA New York City  
Transit”), Donald Houston, Phakeshia Murphy, and Alfredo Caminero (s/h/a “Alfred  
Caminero), by their attorneys, Schoeman Updike & Kaufman LLP, hereby  
respectfully propose that the following questions be submitted to the jury upon *voir  
dire*.

**Demographic Information**

- What is your level of education? Do you have a degree or any certificates?
- What is your work experience?
- Have you, or any close family member, ever served in a Human Resources capacity in any organization or business?
- If so, was there anything about that experience that would affect your ability to serve in this case?
- What is your marital status?
- What is the work experience and position of your spouse?
- What position do each of your children who are of working age hold?
- Are you a former employee of the MTA or the New York City Transit Authority?
- Are any of your children who are of working age a current or former employee of the MTA or the New York City Transit Authority?
- What newspapers and/or publications do you read?

**Prior Jury Service**

- Have you served as a juror served in a civil case?
- Have you served as a juror in a criminal case?
- Did you deliberate to a verdict?
- Will anything about your involvement in that case affect your ability to sit in this case?

- Can you apply the law as given to you by the judge in this case irrespective of what law may have been given to you to apply in any other case in which you may have served as a juror?

**Experience with Justice System**

- Have you ever been a witness in any legal proceedings?
- Have you ever been an investigator?
- Have you ever been a party to a lawsuit? If so, state the nature of the lawsuit and their involvement.
- \*Have you ever felt you were a victim of religious discrimination?
- \*Has a member of your family/friend ever felt he or she was a victim of religious discrimination?
- \*Have you ever felt that you have been retaliated against at work?
- \*Has a member of your family/friend ever felt he or she was retaliated against at work?

**Health Concerns**

- Do you have any health problems that would make it difficult for him/her to be a juror in this case?
- Do you have any eyesight problems?
- Do you have any hearing problems?
- Are you suffering problems, physically, which make it difficult to sit for any extended period of time?

- Are you suffering from any emotional problems which would make it difficult for you to concentrate on someone else's problems and to sit and listen to evidence for a period of time?
- Do you take medication or any other substance that would impair his/her ability to recall facts, witness testimony, follow instructions from the Court and/or would otherwise impair their ability to serve as a juror in this case?

**Relationship with Persons in the Case/Potential Witnesses/Counsel**

- The following persons are **some** of the persons that may be called as witnesses in this case and/or whose name may be mentioned during the course of the trial. Do you know any of these individuals or recognize any of these names:
  - Plaintiff Geneva Aiken
  - Defendant Alfred Caminero
  - Defendant Donald Houston
  - Defendant Phakeshia Murphy
  - Terrance (“Terry”) Raines
  - Dr. Jacques Jospitre, Jr.
  - Dr. Mumin Mushtaq Ahmed Hakim
  - Robert Harley
  - Dr. Alexandra Ubilla
  - Dr. Silvia Cardenas
  - Dr. Chaie, New York-Presbyterian, Brooklyn Methodist Hospital

- Dr. Michael Foley
- Dr. Jean Guy Elie
- Dr. Perry A. Frankel
- The attorneys for Plaintiff are Gregory Calliste, Jr. and Alexandria Jean-Pierre from the law firm of Phillips & Associates.
- The attorneys for Defendants are Mariel Thompson and Byron Zinonos from the New York City Transit Authority legal department and Beth L. Kaufman and Silvia Larizza, from the law firm of Schoeman Updike & Kaufman LLP.
- Do any of the jurors know any of the aforementioned individuals or law firms?  
  
**Governmental Entity/MTA and NYC Transit Authority**
- Do you feel that simply because an individual has sued a government entity that he is entitled to recover money?
- Do you feel any bias or prejudice against the MTA or the NYC Transit Authority because it is a governmental entity?

**Juror's Confidence in Own Fairness**

- In this case, Plaintiff claims that she was a victim of discrimination and retaliation at her place of employment and that she worked in a hostile work environment.
- Is there anything about this case that bothers you in any way?

- If you are chosen in this case, do you know of any reason why you could not sit as a fair and impartial juror?
- If you are chosen as a juror, will you base your own opinion only upon the evidence presented at trial and the law as the Judge gives it to you?
- Is there anything that has been said about this case that creates doubt in your mind about whether you could be fair and impartial?

**Experience with Demotion/Resignation**

- Have you ever been in a workplace position where you were demoted?
- Were you ever a probationary employee in any position at work? What happened at the end of your probation?
- Did you ever resign from an employment position? What were the circumstances regarding your resignation?

**Experience with Alleged Discrimination or Discipline**

- \*Has anyone ever made a comment at your workplace about your religion?
- \*Have you ever worked with someone who made a comment about someone's religion?
- \*Have you ever witnessed or suspected that some type of discrimination has occurred in your office or workplace?
- \*Have you, a family member, or close friend ever claimed that you or they were discriminated against for any reason?
- \*Have you, a family member, or close friend ever been accused of discrimination?

- \*Have you, a family member, or a close friend ever worked in a hostile work environment?

**Prior Experience with Discrimination or Hostile Work Environment Cases**

- \*Have you, any member of your family, or any close friend ever filed suit or a claim of a hostile work environment discrimination or any other type of complaint against a current or former employer?
- \*Have you, any member of your family, or any close friend ever filed a grievance, charge, complaint, arbitration, lawsuit or other type of protest against an employer?

If the answer to any question above that has an asterisk is "yes," then please ask the following questions *in camera*:


- Did the matter go to a jury? Was a verdict rendered? Was the matter settled before a final verdict was reached?
- How did you feel about that experience? Did you feel justice was done? Did you form any opinions about the civil court system with regard to discrimination or hostile work environment cases? What were they?
- Has that experience served to make you feel that our system of civil justice is fair with regard to hostile work environment and discrimination cases? Has that experience served to make you feel that our system of civil justice denies relief appropriately when a case has not been proven?
- If, after hearing the evidence and the instructions of Judge, you find that Plaintiff has not met her burden of proof that Defendants have wrongfully

injured Plaintiff, would you hesitate finding for Defendants and not awarding damages to Plaintiff?

**If you have any doubt or question concerning these very important matters, then you are asked to raise your hand at the time of questioning, and call it to the attention of the Court. If you have such a feeling or concern that you cannot be fair and impartial are you willing to advise the Court?**

Dated: May 11, 2023

SCHOEMAN UPDIKE & KAUFMAN LLP

By: \_\_\_\_\_

Beth L. Kaufman

551 Fifth Avenue, 12<sup>th</sup> Floor

New York, New York 10176

Telephone: (212) 661-5030

[bkaufman@schoeman.com](mailto:bkaufman@schoeman.com)

*Attorneys for Defendants New York City Transit  
Authority (s/h/a "MTA New York City Transit"),  
Donald Houston, Phakeshia Murphy, and Alfredo  
Caminero (s/h/a "Alfred Caminero")*